



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

MEMO ENDORSED

January 31, 2023

BY ECF

The Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street, Room 2550
New York, NY 10007

SDC SDNY

DOCUMENT

ELECTRONICALLY FILED

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DATE FILED: 2/1/2023

Re: Brennan Center for Justice v. United States, No. 22 Civ. 7038 (CM)

Dear Judge McMahon:

This Office represents the defendants, the United States Department of Homeland Security ("DHS") and United States Immigration and Customs Enforcement ("ICE," and with DHS, "Defendants"), in the above-referenced FOIA action brought by plaintiff Brennan Center for Justice at the New York University School of Law ("Plaintiff"). I write respectfully on behalf of the parties to provide a status update.

Since the last status update, ICE made an additional production, and another is expected on or before February 15, 2023. ICE has located approximately 16,000 pages of potentially responsive records, and the parties are continuing to explore ways to reduce the volume as the review progresses. At present, ICE is processing the records at a rate of at least 500 pages per month and will continue to make productions of non-exempt, responsive records on a monthly basis until completed. In addition, DHS is following up on some outstanding questions from Plaintiff.

The parties continue to believe that it may ultimately be possible to resolve this matter without the need for judicial intervention. Accordingly, the parties respectfully request that the Court permit the parties to submit a further status report on February 28, 2023, advising the Court of the parties' progress on this matter.

2/1/2023

OK

The government should be advised that, on December 9, 2022, I was invited to a ^{request} dinner party at a private home, at which the ~~President~~ of the Plaintiff was also present. We did not speak at length and said not a word about this case - frankly, it never occurred to me that the case was on my docket - but we were certainly in the same room at the same table.

If the government believes this somehow compromises my ability to be fair and impartial (I do not), IT should advise on

The Honorable Colleen McMahon
Page 2

We thank the Court for its consideration of this letter.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: s/ Anthony J. Sun
ANTHONY J. SUN
Assistant United States Attorney
86 Chambers St., 3rd Floor
New York, New York 10007
(212) 637-2810

cc: All counsel of record (via ECF)